

REMARKS/ARGUMENTS

The non-final Office Action of April 13, 2004, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-26 have been canceled. Claims 27-46 have been added. Claims 27-46 remain pending.

In the specification, some paragraphs have been amended to correct minor editorial problems. These changes clearly do not add new matter. The Abstract has been amended to correct minor editorial problems. These changes clearly do not add new matter. In amended Fig. 7, the previously omitted element numeral 65 has been added. The reference numeral can be found in the original specification and its inclusion in Fig. 7 clearly does not add new matter.

Rejections under 35 U.S.C. § 112, first paragraph

Claims 1-11, 14, and 18-26 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Action alleges that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse this rejection.

Although Applicants have canceled claims 1-26, many of the features of claims 1-11, 14, and 18-26 rejected under 35 U.S.C. § 112, first paragraph are included within new claims 27-46. In response to these rejections, Applicants submit concurrently herewith a Declaration Under 37 C.F.R. § 1.132 to overcome the enablement rejection of the Action. As such, the Declaration overcomes the enablement rejection and the allegation of the Action.

Rejections under 35 U.S.C. § 102(e)

Claims 1-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Gilbrech et al. (U.S. Patent No. 6,173,399, hereinafter *Gilbrech*). Although claims 1-26 have been canceled and new claims submitted, the following remarks support the patentability of the new claims.

Applicants' claim 27 recites, among other features, "a global overseer configured to ensure end-to-end service quality across multiple ones of the plurality of virtual private networks." Applicants' claim 41 recites, among other features, "providing a global overseer coupled to the at least one interconnect provider, wherein the global overseer is configured to ensure end-to-end service quality across multiple ones of the plurality of virtual private networks." *Gilbrech* fails to teach or suggest at least these features of Applicants' claims 27 and 41.

The Action cites Figure 2 and column 2, lines 45-67, column 3, lines 1-9, and column 6, lines 30-36 and lines 46-48 as allegedly describing the features of Applicants' claims 27 and 41. At best, the cited portions of *Gilbrech* describe how virtual private network units at each site implement "a combination of techniques for data packet handling when packets are to be sent between members of the [defined VPN] group. The packet handling processes include various combinations of compression, encryption, and authentication" which "are maintained in lookup tables in the associated VPN Units." (*Gilbrech*, col. 2, lines 57-67).

Further, the Action fails to cite any support within *Gilbrech* or any other reference for the feature of "a global overseer." The Action merely cites Figure 2 and alleges that, "Gilbrech shows the use of multiple interconnection provider 250, 252, 254, 256 interconnecting with multiple virtual private networks." Neither Figure 2 and its accompanying description nor any other portion of *Gilbrech* teach or suggest Applicants' claim 27 feature of, "a global overseer configured to ensure end-to-end service quality across multiple ones of the plurality of virtual private networks" and Applicants' claim 41 feature of "providing a global overseer coupled to the at least one interconnect provider, wherein the global overseer is configured to ensure end-to-end service quality across multiple ones of the plurality of virtual private networks."

Applicants' claims 28-40 and 42-46, which depend from claims 27 and 41, respectively, are patentably distinct over *Gilbrech* for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. No fee is believed due, however, if any fees are required or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicants look forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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Annotated Sheet showing changes

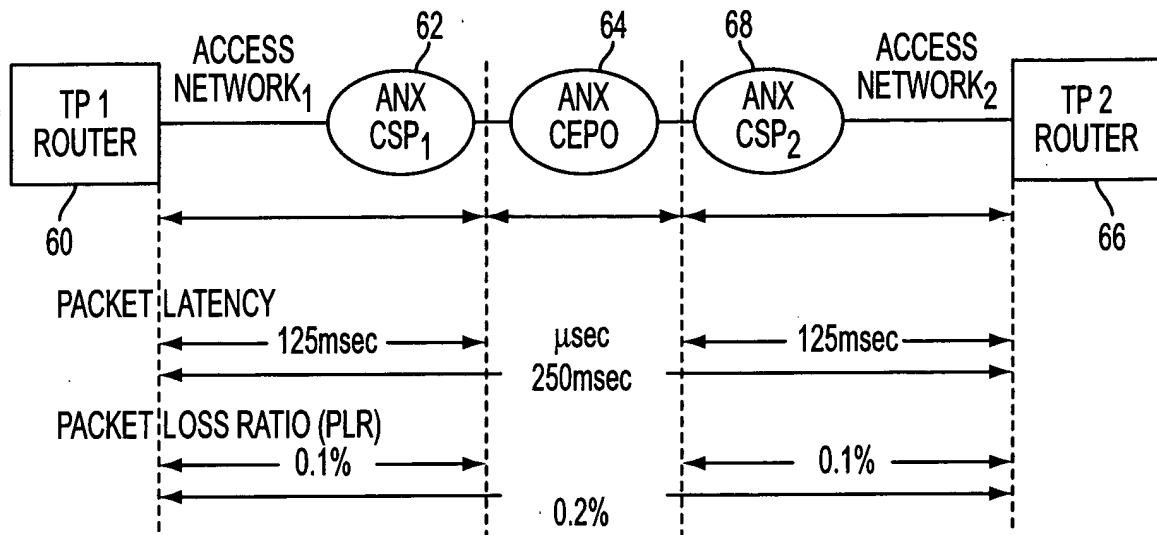


FIG. 6

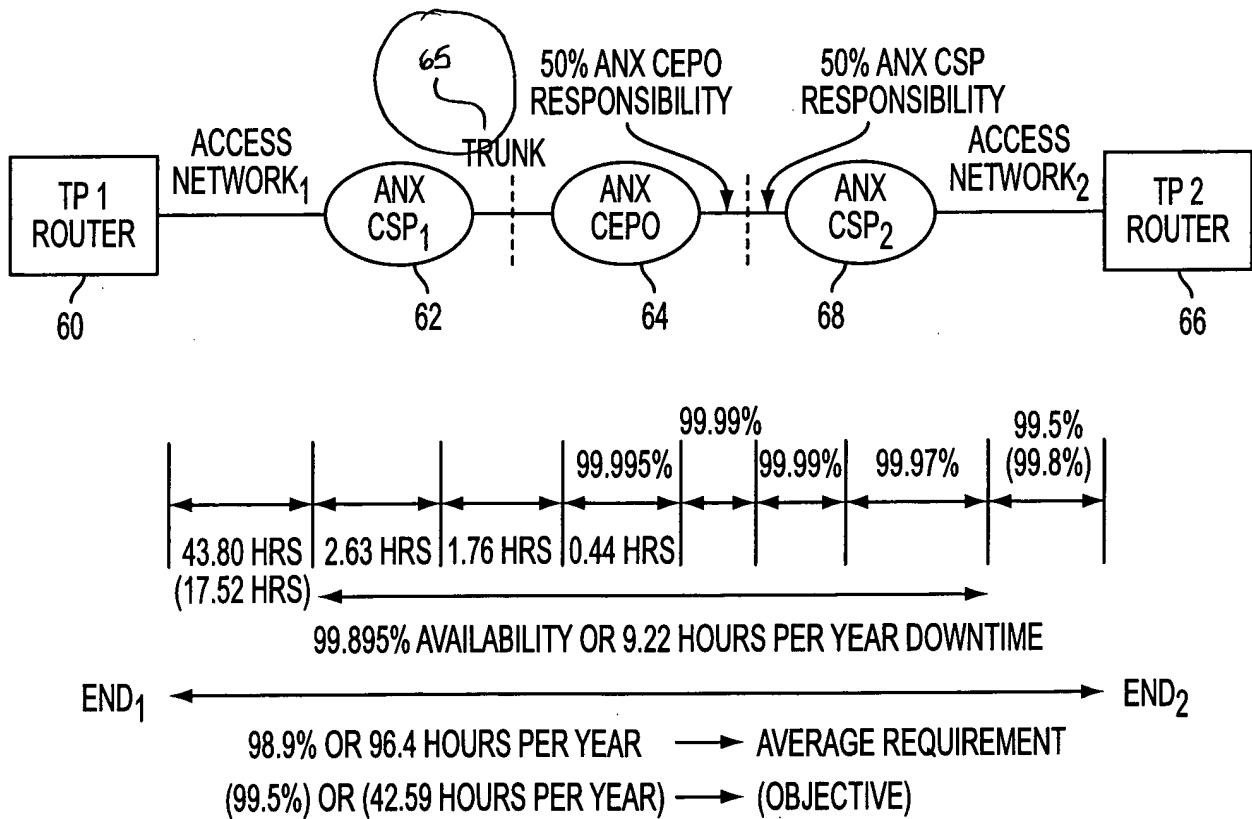


FIG. 7